

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Civil Action No. 1:19-cv-11182-MLW

DEXTER ANDREWS, RAYMOND)	
DUNN, NUNO GOMES, TITUS)	
ROYAL, MATTHEW SOLER, and)	
NICHOLAS YOUNG,)	
Plaintiffs)	
)	
v.)	
)	
AMAZON.COM, INC.,)	
)	
Defendant)	

PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION TO CONSOLIDATE

Plaintiffs oppose the Defendant’s motion to consolidate for one simple reason: it is Plaintiffs’ position that this Court does not have subject matter jurisdiction over one of the two cases that Defendant seeks to consolidate. There is a pending motion to remand in the other case (Amazon I, Civil Action No. 1:19-cv-10070-MLW), and unless and until that motion is denied, consolidation with this case (Amazon II) is unwarranted.¹ If the pending motion to remand is allowed, the other case will be remanded to state court, and there will be nothing to consolidate. If the pending motion to remand is denied, Plaintiffs do not oppose consolidation, as they have

¹ By way of background, Amazon I was filed in state court under chapter 151B before the U.S. Equal Employment Opportunity Commission (“EEOC”) had issued 90-day right-to-sue letters under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq. As a result, the case could not have included a claim under Title VII at that time. After that case was removed, and after the EEOC issued right-to-sue letters, Plaintiffs sought Defendant’s assent to amend the complaint to add Title VII claims. The Defendants refused to assent. As a result, in the face of the 90-day window for bringing claims under Title VII, Plaintiffs effectively were required to file a separate lawsuit (Amazon II) in order to preserve their rights.

stated to Defendant. As a result, Plaintiffs propose that the motion be denied without prejudice for now, or that it be addressed after the Court decides the pending motion to remand.

DEXTER ANDREWS, RAYMOND DUNN,
NUNO GOMES, TITUS ROYAL, MATTHEW
SOLER, and NICHOLAS YOUNG,

By their attorneys,

/s/ Stephen Churchill

Stephen Churchill, BBO #564158
FAIR WORK, P.C.
192 South Street, Suite 450
Boston, MA 02111
(617) 607-3260
steve@fairworklaw.com

Oren Sellstrom, BBO #569045
Sophia Hall, BBO #684541
LAWYERS FOR CIVIL RIGHTS
61 Batterymarch Street, 5th Floor
Boston, MA 02110
(617) 482-1145
osellstrom@lawyersforcivilrights.org
shall@lawyersforcivilrights.org

Dated: July 22, 2019

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing document on all counsel, via the ECF/CM system.

Dated: July 22, 2019

/s/ Stephen Churchill
Stephen Churchill